

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Tom Cossette, et al.

v.

Civil No. 06-cv-00347-JL

Angela Poulin, et al.

INTERIM ORDER

A hearing on the defendants' motion for summary judgment will be held **August 26, 2008 at 2:00 p.m.**

On or before **August 12, 2008**, the parties shall brief (limit, 15 pages) the following issues:

- (1) Whether the allegedly retaliatory action taken by the defendants (terminating his library position, ultimately resulting in NJA status) constitutes an adverse action which is sufficient to state a claim (see, e.g., Morris v. Powell, 449 F.3d 682 (5th Cir. 2006)); and
- (2) Whether the plaintiff's conduct (providing inmate Belton a written statement to utilize in an effort to recover alleged photocopying overcharges, or any related "misappropriation") is constitutionally protected speech under the First Amendment in the context of this § 1983 action (see, e.g., McElroy v. Lopac, 403 F.3d 855 (7th Cir. 2005)).

In briefing these issues, the parties are not bound by any of the findings and rulings set forth in the Magistrate Judge's December 18, 2006 order authorizing service on the defendants.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: July 29, 2008

cc: Tom Cossette, pro se
Deborah B. Weissbard, Esq.